

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

DEREK RUNION and FLORIDA
CAPITAL ASSETS, LLC,

Plaintiffs,

v.

Case No.: 2:20-cv-718-JLB-KCD

PAUL BERNARD, IBEX ENERGY
INC. and JOHN BIALLAS,

Defendants.

ORDER

Before the Court is Defendants' Motion for Writ of Garnishment. (Doc. 70.) Earlier this month, the Court entered a judgment against Plaintiffs (jointly and severally) in the amount of \$16,320.50. (Doc. 68.) Defendants now seek to attach financial accounts believed to belong to Plaintiffs.

Federal Rule of Civil Procedure 69 provides that "[a] money judgment is enforced by a writ of execution, unless the court directs otherwise." *Id.* The procedure for writs of execution is governed by state law. *Id.* Florida law provides that a judgment creditor may request the clerk of court to issue a writ of garnishment to satisfy a judgment. Fla. Stat. § 77.01. Florida law also provides that a judgment against a debtor may be levied on tangible or intangible personal property held by a garnishee. *Id.* Defendants have

complied with the statutory prerequisites for obtaining the writ they seek. Thus, the Court will direct the Clerk to issue the proposed writ of garnishment.

Accordingly, it is **ORDERED**:

1. Defendants' Motion for Writ of Garnishment (Doc. 70) is **GRANTED**.

2. The Clerk is directed to issue the proposed writ (Doc. 70-2).

ENTERED in Fort Myers, Florida on May 25, 2023.



Kyle C. Dudek
United States Magistrate Judge

Copies: All Parties of Record